

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ALETHEA SHAW, #920973
Petitioner,

v.

BRENDA SHELL, et al.,
Respondents.

*

*

CIVIL ACTION NO. AW-05-2335

*

*

MEMORANDUM

The above-captioned action was filed with this Court on August 23, 2005. Petitioner, although utilizing forms for filing a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. 2254, seeks to have this Court issue an Order directing that she be provided drug treatment. Paper No. 1. Petitioner has filed a Motion for Leave to Proceed in Forma Pauperis (Paper No. 2), which shall be granted pursuant to 28 U.S.C. § 1915(a).

Petitioner is a state prisoner confined at the Maryland Correctional Institution for Women. She seeks to compel a certain action by the state and/or its agents; the Court, therefore, concludes that the present matter is in the nature of a writ of mandamus. *See* 28 U.S.C. § 1361. Federal district courts have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or one of its agencies to perform a duty owed to a petitioner. However, this federal district court has no mandamus jurisdiction over state employees and cannot compel the Maryland Division of Corrections to provide Petitioner with drug treatment. *Gurley v. Superior Court of Mecklenburg County*, 411 F.2d 586, 586-87 (4th Cir. 1969). Therefore, Petitioner's request for mandamus relief shall be denied. A separate Order follows.

September 20, 2005
Date

"s"
Alexander Williams, Jr.
United States District Judge